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Attorneys for Plaintiff
TQ DELTA, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE SUBPOENAS TO
QUALCOMM AETHEROS, INC.**

Served in related cases:

TQ Delta v. Pace Americas, LLC, et al.,
Case No. 13-cv-1835-RGA (D. Del.);

TQ Delta v. Zhong Technologies, Inc.,
Case No. 13-cv-1836-RGA (D. Del.);
and

*TQ Delta v. ZyXEL Communications,
Inc.*, et al., Case No. 13-cv-02013-RGA
(D. Del.)

Case No. '16CV1926 CAB NLS

**NOTICE OF MOTION AND
MOTION TO COMPEL OUT OF
DISTRICT SUBPOENAS TO
QUALCOMM AETHEROS, INC.**

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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that, as soon as counsel may be heard before the
3 assigned judge at the assigned time in the assigned department, Plaintiff TQ Delta,
4 LLC (“TQ Delta”) will and hereby does move to compel and enforce three
5 subpoenas served on non-party Qualcomm Atheros, Inc. (“Qualcomm”) on January
6 8, 2016. Pursuant to Rule 45(c)(2)(B) of the Federal Rule of Civil Procedure, TQ
7 Delta brings this motion in this Court because the recipient of the subpoenas,
8 Qualcomm, resides here.

9 This motion is based on this Notice, the Memorandum of Points and
10 Authorities, the Declaration of Anna Targowska, submitted concurrently herewith,
11 and any matters this Court may or must judicially notice.

12 TQ Delta is the plaintiff in three actions currently pending in the United
13 States District Court for the District of Delaware, styled TQ Delta v. 2Wire, C.A.
14 No. 13-cv-01835 (“the 2Wire case”), TQ Delta v. Zhone, C.A. No. 13-cv-01836
15 (“the Zhone case”) and TQ Delta v. ZyXEL, C.A. No. 13-cv-02013 (“the ZyXEL
16 case”) (hereinafter collectively referred to as the “Delaware Cases”), alleging
17 infringement of 32 patents owned by TQ Delta.

18 TQ Delta has a principal place of business at 805 Las Cimas Parkway, Suite
19 240, Austin, TX 78746.

20 Qualcomm has a principal place of business at 5775 Morehouse Drive, San
21 Diego, CA 92121 in this District.

22 On January 8, 2016, TQ Delta served on Qualcomm three subpoenas (one in
23 each Delaware Case) for the production of documents in the Delaware Cases
24 issued by the Court in Delaware. The deadline for Qualcomm to have responded
25 to the subpoenas was January 20, 2016. On that date, Qualcomm served on TQ
26 Delta its Responses And Objections for each subpoena. As of the filing of this
27 Miscellaneous Action, Qualcomm has provided a limited set of financial
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documents in response to the subpoenas, but has failed to respond to many of the requests in the subpoena. Specifically, Qualcomm has not produced many Specifications, or any source code, or any financial information, or any communications with any Defendants, as requested in the subpoenas.

TQ Delta respectfully requests that this Court enter an order requiring Qualcomm to produce all documents responsive to the subpoenas within seven days of the Court's order, and that the Court award movants all other relief to which they are entitled, including movant's reasonable attorney fees in bringing this motion.

Respectfully submitted,

Dated: August 1, 2016

SHARTSIS FRIESE LLP

/s/ Joseph V. Mauch

By: JOSEPH V. MAUCH

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